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10/526,255

11/29/2005

Gunther Josef Hoier

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CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/526,255 | Applicant(s) HOIER ET AL. | |
| | Examiner JILL E. CULLER | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20090324</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,927,202 to Hirokawa et al.

With respect to claim 1, Hirokawa et al. teaches a clamping device for fastening a plate, 10, to the periphery of a cylinder, 60, the clamping device comprising a first clamping element, 5, a pivotably mounted second clamping element, 3, a spring part, 16, and a tensioning element, 23, which is formed as a pivotable spindle which can be moved between a clamping position, in which it holds the plate clamped in between the clamping elements, and a released position, in which the clamping elements release the plate, wherein the spindle is mounted rotatably in a groove, wherein the spindle is fitted in an interspace between the spring part and the second clamping element wherein, in the clamping position, the spindle is pressed against the second clamping element by the spring part and wherein, in the released position, the clamping device has a play in the interspace between the spring part and the second clamping element. See column 5, line 54 – column 6, line 7 and Figs. 2A-2B.

With respect to claim 2, the disclosure of Hirokawa et al. is silent as to the type of spring used as the spring part 16, but from the drawings it appears that a disk spring

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could perform the function of the spring part and therefore Hirokawa et al. is considered to meet the limitation of the claim.

With respect to claim 3, Hirokawa et al. teaches the clamping device is arranged in an elongated groove in the cylinder. See Fig. 1.

With respect to claim 4, Hirokawa et al. teaches the clamping device can be displaced within the groove. See Figs. 2A-2B.

With respect to claim 5, Hirokawa et al. teaches that at least one of the clamping elements is a bar running parallel to the groove. See Fig. 1.

With respect to claims 7-8, Hirokawa et al. teaches the spindle is arranged to run parallel to the groove and has a cross section substantially in the form of a circular segment with a first flat. See Figs. 1 – 2B.

With respect to claim 11, Hirokawa et al. teaches the cylinder is arranged in a rotary press. See column 1, lines 19-26,

With respect to claim 12, Hirokawa et al. teaches the spindle has eccentric sections. See Figs 2A-2B.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirokawa et al. in view of U.S. Patent No. 5,374,093 to Klopfenstein.

With respect to claim 6, Hirokawa et al. teaches all that is claimed, as in the above rejection of claims 1-5, 7-8 and 11-12, except that one side of the first clamping element, with which the first clamping element clamps the plate, has a curved profile in section transversely with respect to the axis of the cylinder.

Klopfenstein teaches a clamping element, 14, having a curved profile in a section transversely with respect to the axis of the cylinder. See Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Hirokawa et al. to have a curved profile for the clamping element, as taught by Klopfenstein, as this is an obvious alternative to the square design of Hirokawa et al.

With respect to claim 10, Hirokawa et al. teaches all that is claimed, as in the above rejection of claims 1-5, 7-8 and 11-12, except that there are pins on one of the clamping elements, on which pins the plate is hooked in.

Klopfenstein teaches a clamping element having pins, 102, on which a clamped element is hooked. See column 3, lines 64-66 and Figs. 2-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Hirokawa et al. to include pins, as taught by Klopfenstein, in order to more readily hold the plate within the clamping elements.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or render obvious a clamping device as claimed, particularly comprising a second flat and, a third flat, which are arranged diametrically with respect to each other on the spindle, in the clamping position the second flat pressing against the second clamping element and the third flat being pressed by the spring part.

Claims 13-20 are allowed. The following is an examiner's statement of reasons for allowance:

The prior art fails to teach or render obvious a clamping device as claimed, particularly wherein the spindle has a cross section substantially in the form of a circular segment with a first flat, further comprising a second flat and, a third flat, which are arranged diametrically with respect to each other on the spindle, in the clamping position the second flat pressing against the second clamping element and the third flat being pressed by the spring part.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed March 24, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the pivotable cam shaft, 23, of Hirokawa et al. does not act as a clamping device, column 5, lines 62-66, clearly states: "The tail edge side clamping base, 3, and the tail edge side clamp, 5, which form the holding part, the spring base, 15, and the springs, 16, which form the pushing part, and the cam shaft, 23, which forms the pushing force limitation part, together form a second clamping part in this embodiment." Therefore, Hirokawa considers the spindle, 23, to be a part of the clamping device. Furthermore, it is clear from the structure that the movement of the spindle serves to move the pushing part, wherein the clamping pressure is applied or released. Therefore, the structure of Hirokawa is considered to meet the limitations of the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/
Primary Examiner, Art Unit 2854